# EXHIBIT 16

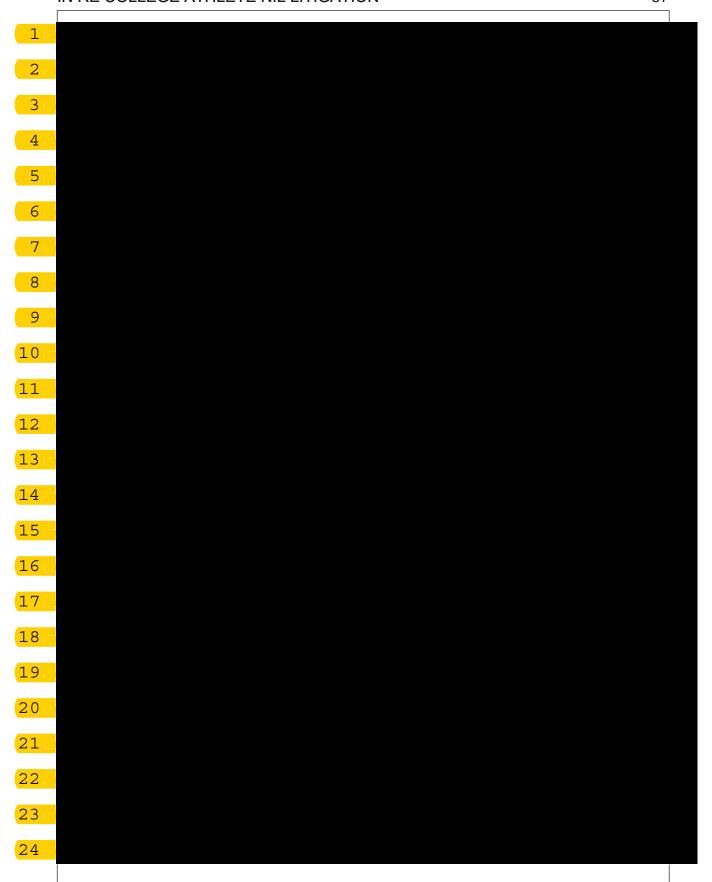
#### KERRY KENNY 30b6 Conf. IN RE COLLEGE ATHLETE NIL LITIGATION

1	UNITED STATES DISTRICT COURT
2	NORTHERN DISTRICT OF CALIFORNIA
3	OAKLAND DIVISION
4	
5	IN RE COLLEGE ATHLETE NIL ) Case No.
6	LITIGATION ) 4:20-CV-03919-CW
7	
8	NETWORK STRICTLY CONFIDENTIAL
9	
10	The videotaped Rule 30(b)(6) deposition
11	of THE BIG TEN CONFERENCE, INC. through KERRY
12	KENNY, called as a witness for examination, taken
13	pursuant to the Federal Rules of Civil Procedure of
14	the United States District Courts pertaining to the
15	taking of depositions, taken before VICTORIA C.
16	CHRISTIANSEN, a Certified Shorthand Reporter of the
17	State of Illinois, CSR No. 84-3192, at Suite 3200,
18	71 South Wacker Drive, Chicago, Illinois, on the
19	4th day of October, A.D. 2023, at 9:03 a.m.
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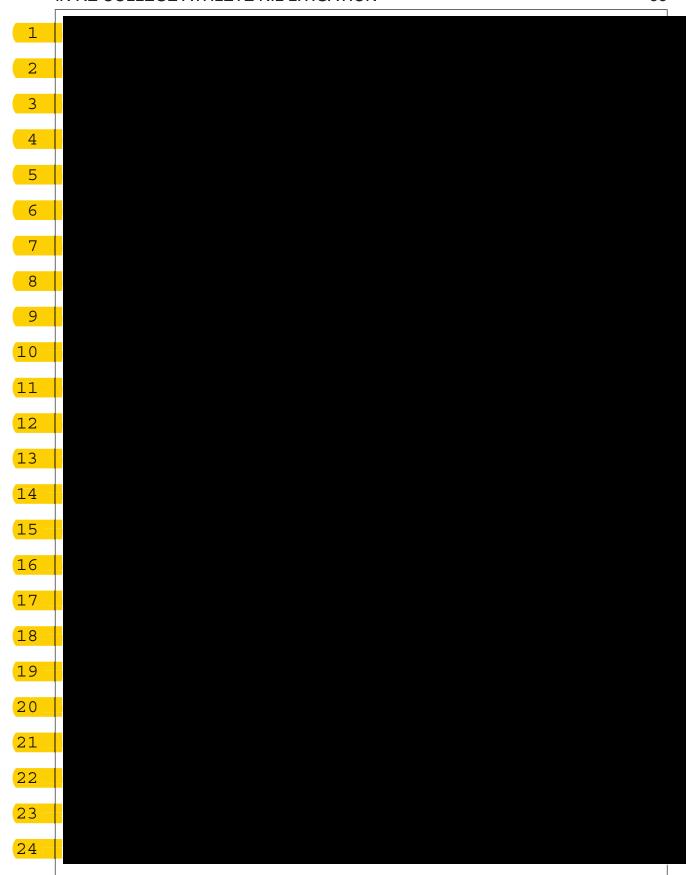
### Case 4:20-cv-03919-CW Document 414-8 Filed 04/03/24 Page 3 of 12

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And so to the extent that the July 2021 rules are true NIL and that's the way that they're being applied, then our model is still consistent with the pre July 2021 model for the fact that student athletes are now able to maximize opportunities surrounding their true NIL, and the Big Ten supports that.

- Q. Yeah, and I just want to focus on the competitive balance bit. Sorry for this, but just in terms of true NIL, in the competitive balance equation, true NIL doesn't have an adverse effect on competitive balance? If it's true NIL. That's my question.
- A. Generally speaking, true NIL -- because again we support it, we encourage it -- you would not expect it to have any imper- -- im- -- sort of impact on competitive balance.

That's not to say that anecdotally within locker rooms, within athletic departments that it doesn't have an impact on balance within an institution or within a set of teams or within a conference, but from a general perspective, again, true NIL is allowing student athletes to maximize their name, image and likeness in a way that's



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1	consistent with still allowing them to be tethered			
2	to education, there is academics first, athletics			
3	second and part of the larger student community			
4	that is there for, you know, reasons of			
5	participating in extracurricular activities as part			
6	of their educational experience.			

- Q. The anecdotes that you mentioned, are those things that you're concerned about as not being true NIL?
- A. Things that are not true NIL are absolutely things that threaten the competitive balance model.
- Q. Yeah. I just wanted to make sure when you talk about the anecdotes, are those anecdotes about things that aren't true NIL, potentially?
  - A. Anecdotes about the team --
- Q. You mentioned -- and I don't want to go all the way back --
  - A. Sure.
- Q. -- in your testimony, but you said something that you may have heard some anecdotes, and -- and I'm just trying to figure out what you were talking about. That's it.
  - A. Sure.



1	Q. And so in terms of those anecdotes that			
2	you mentioned, first off, that's not any kind of			
3	data or research or study or anything like that,			
4	right?			
5	MS. MILLER: Objection, form.			
6	BY THE WITNESS:			
7	A. Correct. "Anecdotes" was being			
8	referenced as obviously, you know, the media			
9	provide a lot of coverage on this topic and just			
10	what you read, you know, what you observe through			
11	all those different types of reports on social			
12	media platforms about, you know, ways that			
13	whether it's true obviously not true NIL is a			
14	separate category, as you've, you know, defined in			
15	this question, but with true NIL, the reference was			
16	to the fact that anecdotally you do see, you know,			
17	reports media-wise and otherwise about, you know,			
18	the impact that it has within team environments or			
19	within, you know, individual sport environments			
20	around true NIL being activated.			
21	But from a Big Ten perspective, that was			
22	getting back to my point of we support it, we			
23	encourage it. Those anecdotal pieces are not			
24	things that represent the Big Ten's view on what			



1	our belief is of true NIL post July 2021, still				
2	allowing that competitive balance to maintain				
3	because of the fact that we're still tethered to				
4	all those other underlying principles of education				
5	first, graduation, broad-based sports, et cetera.				
6	BY MR. FEHER:				
7	Q. Okay. And in that well, that's okay.				
8	That's fine. Let's move away from that.				
9	Actually, in terms of people who were				
10	supportive, I'll give you what's Harbaugh Exhibit				
11	134. It's an article from May 9, 2020 whoops,				
12	sorry in "The Wolverine," and it says in the				
13	headline, "Jim Harbaugh is 'All For' NIL Proposal,"				
14	and it just says kind of midway down it says,				
15	quote, "'We believe that the name, image and				
16	likeness is a very good thing,' Harbaugh said."				
17	Is that consistent with what you were				
18	discussing a minute ago in terms of the Big Ten				
19	being supportive of true NIL?				
20	MS. MILLER: Objection, form.				
21	BY THE WITNESS:				

A. Again, I can't speak for Jim Harbaugh back in May of 2020 and -- and whether or not that was consistent with everybody in the Big Ten or the



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1	REPORTER'S CERTIFICATE
2	
3	I, VICTORIA C. CHRISTIANSEN, a Certified
4	Shorthand Reporter of the State of Illinois, do
5	hereby certify:
6	That previous to the commencement of the
7	examination of the witness, the witness was duly
8	sworn to testify the whole truth concerning the
9	matters herein;
10	
11	That the foregoing deposition transcript
12	was reported stenographically by me, was thereafter
13	reduced to typewriting under my personal direction
14	and constitutes a true record of the testimony
15	given and the proceedings had;
16	
17	That the said deposition was taken
18	before me at the time and place specified;
19	
20	That I am not a relative or employee or
21	attorney or counsel, nor a relative or employee of
22	such attorney or counsel for any of the parties
23	hereto, nor interested directly or indirectly in
24	the outcome of this action.



#### KERRY KENNY 30b6 Conf. IN RE COLLEGE ATHLETE NIL LITIGATION

1	The witness has requested a review
2	pursuant to Rule 30(e)(1).
3	
4	IN WITNESS WHEREOF, I do hereunto set my
5	hand at Chicago, Illinois, this 6th day of October,
6	2023.
7	Vubria C Oh
8	VICTORIA C. CHRISTIANSEN,
9	Certified Shorthand Reporter.
LO	
L1	
L2	C.S.R. Certificate No. 84-3192.
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## **ERRATA SHEET**

NAME OF CASE: In Re College Athlete NIL Litigation

DATE OF DEPOSITION: October 4, 2023

NAME OF WITNESS: Kerry Kenny – 30(b)(6)

#### Reason Codes:

1. To clarify the record.

2. To conform to facts.

3. Transcription error.

Page(s)	Line(s)	From	to	Reason
29	3			Transcription error
39	18	"highest of"	"highest level of"	Transcription error
50	21			Conform to facts
62	14			Transcription error
73	21			Transcription error
83	22-23			Transcription error
127	16-17	"managed, changed and not force changed"	"was managed change and not forced change"	Transcription error
156	15-16			Clarify the record
157	19			Transcription error
180	4	"those participate"	"those who participate"	Transcription error

Page(s)	Line(s)	From	to	Reason
210	12			Transcription error
224	2			Transcription error
287	3	trips	contests	Transcription error

By: /s/ Kerry Kenny

DATE: December 11, 2023